

### REMARKS

Claims 1-28 and 30 are pending in the application. This Amendment with the remarks is being submitted with a Request for Continued Examination of the application. Claims 1, 12, 15, 25, 28, and 30 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

#### I. REJECTIONS OF CLAIMS 1-28 AND 30 UNDER 35 U.S.C. § 103

Claims 1-28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,389,019 ("Fan") in view of U.S. Patent No. 6,621,792 ("Petty"). Applicants believe that all pending claims are allowable for at least the following reasons. Withdrawal of the rejections is respectfully requested.

The claimed invention relates to apparatus/methods for controlling data flow through a network using a plurality of time-based queues. Independent claims 1, 12, and 30 now require, *inter alia*, that "each time-based queue is configured to dequeue one or more packets." Independent claims 15, 25, and 28 now require, *inter alia*, that "at least some times when dequeuing of all its contents, a time-based queue dequeues more than one packet." Support for the amendments is found at, for example, page 13, lines 12-13 of the present specification (e.g., "[U]pon receipt of the wake-up notification, the system dequeues, at 407, all those packets in buckets that have timed-out since the last dequeuing event"). No new matter has been introduced by the amendments.

As discussed in the previously filed remarks, according to the Petty patent, only *a single cell* is dequeued at one time. Most importantly, Petty's system is limited to ATM systems where each cell with the same size is dequeued at a certain time. In short, nothing in Petty suggests explicitly, implicitly or inherently dequeuing *multiple packets at a time*.

By contrast, the embodiments of the invention are directed to a system dealing with TCP/IP packets, in which dequeuing multiple packets with various sizes is advantageous from the standpoint of efficiency and flexibility. The systems according to the embodiments of the invention dequeue *multiple packets at a time*, as the circumstances dictate, e.g., depending on whether the packets in buckets that have timed-out since the last dequeuing event.

As such, it is respectfully submitted that the claimed invention is not obvious from the combined teachings of Fan and Petty.

For at least the reasons set forth above, the invention defined in independent claims 1, 12, 15, 25, 28, and 30, and their dependent claims is believed to be patentable over the cited art. Withdrawal of the rejections is respectfully requested.

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**II. CONCLUSION**

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner has any continuing concerns about patentability of the claimed invention, he is encouraged to telephone the undersigned at 510-663-1100, ext 245.

Respectfully submitted,  
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